

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CINCINNATI BELL)	
TELEPHONE COMPANY TO INTRODUCE)	CASE NO.
PUBLIC TELEPHONE MESSAGING)	89-231
ACCESS SERVICE)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell") filed October 3, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of a cost study supporting its tariffed rates for Public Telephone Messaging Access Service ("PTMAS") on the grounds that public disclosure will result in substantial competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell has filed with the Commission a cost study in support of its tariff for PTMAS, a voice messaging service. While Cincinnati Bell is not aware of any competing voice messaging in Kentucky, it does face such competition in Ohio where it also has operating authority.

The cost study contains revenue projections for the unregulated portion of the service offering. Competitors of Cincinnati Bell could use the revenue projections to measure market demand for the purpose of determining whether or not to enter the market, to analyze how Cincinnati Bell prices its voice messaging service, and to compare Cincinnati Bell's projected

revenue stream to its estimated expenses for PTMAS to determine how and to what extent Cincinnati Bell's rates can be undercut.

807 KAR 5:001 protects information as confidential when it is established that disclosure will result in competitive injury to the party from whom the information is obtained. In order to satisfy this test the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Because Cincinnati Bell faces competition for the services which were the subject of the cost study and because disclosure of the information is likely to result in substantial competitive harm to Cincinnati Bell, the information should be protected from public disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The cost study developed by Cincinnati Bell and filed in conjunction with its tariff for Public Telephone Messaging Access Service, which Cincinnati Bell has petitioned be withheld from public disclosure, shall be held in and retained by this Commission as confidential and shall not be open for public inspection.

2. Cincinnati Bell shall, within 10 days of this Order, file an edited copy of the cost study, with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 8th day of November, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:

Executive Director